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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,603	01/20/2004	Long-Jyh Pan	10113691	9949

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EXAMINER

PORTIS, SHANTELL L

ART UNIT PAPER NUMBER

2617

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/760,603	Applicant(s) PAN, LONG-JYH	
	Examiner Shantell Portis	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed July 4, 2006 have been fully considered but they are not persuasive.

Applicant argues that the guide rail protrusion 312 of Zurek is a single element and cannot simultaneously teach both the projecting portion of the battery pack and the protrusion of the guide rail on the body. The examiner identifies the guide rail protrusion 312 as performing a dual function of both the projecting portion and the protrusion of the guide rail. Therefore, the examiner maintains the rejection as set forth below.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Zurek et al. (Zurek), U.S. Patent No. 4,912,602.

Regarding Claim 1, Zurek discloses a mobile phone comprising: a body (102) including an engaging member (cantilever beam spring catches 213-218) and a guide rail (inherently part of the battery pack 105); a front housing (front main housing 301) detachably disposed on the body via the engaging member; a rear cover (rear main housing 303) detachably disposed on the body via the engaging member; a battery

cover (inherently covering the battery pack 105) detachably disposed on the body, wherein the body is housed by the front housing, the rear cover, and the battery cover; and a battery pack (105), disposed on the body, including a projecting portion (guide rail protrusion 312), wherein the projecting portion pushes the engaging element to move along the guide rail (the catches 213-218 have the ability to be pushed or moved back by the guide rail protrusion 312 to allow for movement along the guide rail; Col. 3, lines 48-50 and Figures 3 & 5).

Regarding Claim 3, Zurek discloses the mobile phone as claimed in claim 1, wherein the engaging member is formed with a concave portion (protrusion 310), and the guide rail includes a protrusion (guide rail protrusion 312) corresponding to the concave portion, whereby the engaging member can be positioned at a predetermined position on the guide rail by engaging the protrusion with the concave portion (Figures 3 and 4).

Regarding Claim 4, Zurek discloses the mobile phone as claimed in claim 1, wherein the engaging member is formed with a groove, and the front housing includes a first hook corresponding to the groove, wherein the front housing is positioned on the body by the first hook engaging with the groove (Figures 3 and 4).

Regarding Claim 5, Zurek discloses the mobile phone as claimed in claim 1, wherein the engaging member is formed with a groove, and the rear cover includes a second hook corresponding to the groove, wherein the rear cover is positioned on the body by the second hook engaging with the groove (Figures 3, 4 and 5).

Regarding Claim 6, Zurek discloses the mobile phone as claimed in claim 1, wherein the projecting portion includes a first inclined surface abutted by the engaging member, and the engaging member includes a second inclined surface abutted by the projecting portion, whereby the engaging member can be smoothly moved by the battery pack (Figures 3 and 4).

Regarding Claim 7, Zurek discloses the mobile phone as claimed in claim 1, wherein the battery cover includes a pressed member (pressing button 201), and the body includes an elastic member corresponding to the pressed member, and the battery cover is positioned on the body by engaging the pressing member with the elastic member (Col. 2, lines 29-37 and Figures 1 and 2A).

Regarding Claim 8, Zurek discloses the mobile phone as claimed in claim 1, wherein the body is formed with a hole, and the front housing includes a fixed member, and the front housing is positioned on the body by engaging the fixed member with the hole (Figures 1 and 2).

Regarding Claim 9, Zurek discloses the mobile phone as claimed in claim 1, wherein the shape of the front housing corresponds to those of the rear cover and the battery cover (Col. 2, lines 44-51 and Col. 3, lines 7-12 and Figure 5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon, U.S. Patent No. 6,111,760 in view of Zurek.

Regarding Claim 11, Nixon discloses an assembly for assembling a mobile phone, wherein the mobile phone includes a body, a front housing (20), a rear cover (50), and the assembly comprises: an engaging member (extending fingers 30) disposed on the body in a manner such that the engaging member moves between a first position and a second position; a first hook (snap tooth 32), corresponding to the engaging member, disposed on the front housing; and a second hook (snap recesses 54), corresponding to the engaging member, disposed on the rear cover; wherein the engaging member is engaged with the first hook and the second hook so that the front housing and the rear cover are combined with the body when engaging member is located at the first position, and the engaging member is disengaged from the first hook and the second hook so that the front housing and the rear cover are separated from the body when the engaging member located at second position (Col. 4, lines 22-28 and Figures 1 and 2).

Nixon fails to disclose a guide rail and an abutting member to push the engaging element to move along the guide rail for positioning the engaging member.

Zurek discloses a guide rail and an abutting member (guide rail protrusion 312) to push the engaging element to move along the guide rail for positioning the engaging member (the catches 213-218 have the ability to be pushed or moved back by the guide rail protrusion 312 to allow for movement along the guide rail; Col. 3, lines 48-50 and Figures 3 & 5).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide for a reinforced, secured interlocking method to prevent from disengaging.

Regarding Claim 12, Nixon discloses the assembly as claimed in claim 11, wherein the engaging member is formed with a concave portion (the surface on the snap tooth), and the assembly includes a protrusion (the surface that is part of the sidewall and snap recesses) disposed on the body in a manner such that the protrusion corresponds to the concave portion, whereby the engaging member can be positioned at a predetermined position on the body by engaging the protrusion with the concave portion (Figure 2).

Regarding Claim 13, Nixon discloses the assembly as claimed in claim 11, wherein the engaging member formed with a groove corresponding to the first hook and the second hook, and the front housing and the rear cover are positioned on the body by engaging the first hook and the second hook with the groove (Figure 2).

Regarding Claim 15, Nixon discloses the assembly as claimed in claim 11, wherein the abutting member includes a first inclined surface abutted by the engaging member, and the engaging member includes a second inclined surface abutted by the abutting member, whereby the engaging member can be smoothly moved by the abutting member (Figure 2).

Regarding Claim 16, Nixon discloses the assembly as claimed in claim 11, wherein the first hook is integrally formed on the front housing (Figure 2).

Regarding Claim 17, Nixon discloses the assembly as claimed in claim 11, wherein the second hook is integrally formed on the rear cover (Figure 2).

6. Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zurek and Nixon in view of Chen et al. (Chen), U.S. Patent No. 6,975,889.

Regarding Claims 10 and 18, Zurek and Nixon discloses the mobile phone and the assembly as claimed in claims 1 and 11.

However, Zurek and Nixon fail to disclose wherein the number of the engaging members is two, and a spring is disposed between the engaging members.

In a similar field of endeavor, Chen discloses a cover-ejecting mechanism for a communication unit. Chen further discloses wherein the number of the engaging members (fixing member 51 and moving portion 52) is two, and a spring (55) is disposed between the engaging members (Col. 3, lines 45-61 and Figures 5a and 5b).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Zurek and Nixon according to Chen so as to allow the members to move freely from one position to another by means of an elastic body or device.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Portis whose telephone number is 571-272-0886. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sip


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